

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

5 | WELLS FARGO BANK, N.A., as  
6 | TRUSTEE FOR THE CLARA POPPIC  
TRUST,

Case No: C 08-02561-SBA

7 Plaintiff,

# **ORDER APPROVING SETTLEMENT MOTIONS AND DISMISSING ACTION**

8 | DISMISSING MOTION

9 KENNETH G. RENZ, et al.,

## 10 Defendants.

## 12 | AND RELATED ACTIONS.

After being informed of various settlements among the parties, on June 13, 2011, the Court issued an Order (“Order of 6/13/11”) directing (1) Plaintiff to dismiss the remaining defendants who had not settled, including Nan Y. Park, Guan Huang, Ying Zhang and Sui Song, or to file a Case Management Conference Statement specifying its course of action as to these defendants; and (2) Defendants Kenneth Renz, the Estate of Jackson R. Dennison, and Kazuko Olmstead to file motions for approval of settlement. Dkt. 464. The Court’s Order of 6/13/11 did not address Defendant Hoyt Corporation because it had already filed a motion for approval of settlement. Dkt. 463. All parties have complied with the Order of 6/13/11. No party has opposed any other party’s request for dismissal or motion for approval of settlement. Thus, pursuant to the Order of 6/13/11, the lack of any opposition is deemed consent to the granting of the motions and the finding that the settlement agreements have been reached in good faith. Dkt. 464. Accordingly,

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1 IT IS HEREBY ORDERED THAT:

2 1. The Court GRANTS Plaintiff's request for dismissal. Dkt. 468. The Court  
3 DISMISSES without prejudice (1) Defendants Park, Huang, Zhang and Song; and (2)  
4 Defendant Huang's counterclaim against Plaintiff. Consistent with its Order to Show  
5 Cause issued on January 11, 2011, Dkt. 277, the Court DISMISSES Defendant Park's  
6 counterclaims with prejudice for her failure to prosecute the instant action.

7 2. The Court GRANTS Defendant Hoyt's motion for settlement approval.  
8 Dkt.463. The Court finds the settlement was reached in good faith. The Court  
9 DISMISSES with prejudice (1) all claims by Plaintiff against Defendant Hoyt; and (2) all  
10 claims by other parties against Defendant Hoyt. The Court finds all claims for contribution  
11 or indemnification related to the action or addressed in the settlement are BARRED against  
12 Defendant Hoyt.

13 3. The Court GRANTS Defendant Kazuko Umstead's motion for settlement  
14 approval. Dkt.472. The Court finds the settlement was reached in good faith. The Court  
15 DISMISSES with prejudice (1) all claims by Plaintiff against Defendant Umstead; and (2)  
16 all claims by other parties against Defendant Umstead. The Court finds all claims for  
17 contribution or indemnification related to the action or addressed in the settlement  
18 agreement are BARRED against Defendant Umstead.

19 4. The Court GRANTS Defendants Kenneth G. Renz and the Estate of Jackson  
20 R. Dennison ("Defendants") motion for approval of their settlement. Dkt. 473. The Court  
21 finds the settlement was reached in good faith. The Court DISMISSES with prejudice (1)  
22 all claims by Plaintiff against Defendants; and (2) all claims by other parties against  
23 Defendants. The Court finds all claims for contribution or indemnification related to the  
24 action or addressed in the settlement agreement are BARRED against Defendants.

25 5. The Case Management Conference scheduled for July 28, 2011 is  
26 VACATED.

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1           6. This Order terminates Docket Nos. 266, 409, 410, 411, 415, 418, 447, 463,  
2 468, 472, 473. The Clerk shall close the file.

3           IT IS SO ORDERED.

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5 Dated: July 11, 2011

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SAUNDRA BROWN ARMSTRONG  
United States District Judge